

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**TROY RONCONE,**

Plaintiff,

v.

**THE UNIVERSITY OF TEXAS  
SOUTHWESTERN MEDICAL CENTER,**

Defendant.

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Civil Action No. **3:23-CV-2526-L**

**ORDER**

On May 28, 2025, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 41) was entered, recommending that the court **deny** Defendant the University of Texas Southwestern Medical Center’s (“Defendant” or “UT Southwestern”) Motion to Dismiss Plaintiff’s Second Amended Complaint (“Motion”) (Doc. 25). No objections to the Report have been filed, and the 14-day period to object after service of the Report has passed. *See* Fed. R. Civ. P. 72(b)(1)(2); 28 U.S.C. § 636(b)(1)(C). For the reasons stated herein, the court **accepts** the Report.

Plaintiff filed this action on November 14, 2023, against the University of Texas Southwestern Medical School for alleged violations of the Family and Medical Leave Act (“FMLA”). *See* Doc. 1. On December 2, 2024, the court accepted the Findings, Conclusions, and Recommendations of the magistrate judge and ordered Plaintiff to file a Second Amended Complaint that cured the deficiencies identified by the magistrate judge. *See* Doc. 19. Plaintiff filed his Second Amended Complaint (“Complaint”) (Doc. 20) on December 20, 2024, which addressed the deficiencies identified by the magistrate judge in the November 18, 2024 Findings, Conclusions, and Recommendations (Doc. 18).

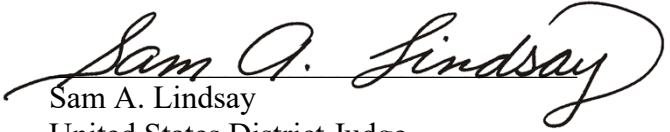
Before analyzing the claims, Magistrate Judge David Horan addressed whether the court should consider the exhibits UT Southwestern attached to its Motion. Report 7. UT Southwestern attached emails that were from “[Mr.] Roncone to his supervisor regarding his absences from work to take care of his purported common law wife,” and contended that the court should consider the emails in determining whether to grant the Motion. *Id.* at 8 (citing Doc. 25-1 at 3-6). Magistrate Judge Horan determined that because the email correspondence is not expressly referenced in his Complaint and is not essential to Mr. Roncone’s claims, the court should not consider the exhibits attached to the Motion. *Id.* at 9.

After analyzing the claims, the magistrate judge determined that Plaintiff pleaded sufficient facts to allege a claim for FMLA interference and discrimination. *Id.* at 10. The magistrate judge found that Plaintiff has alleged facts sufficient to maintain a claim for FMLA interference. *Id.* at 18. The magistrate judge concluded that Plaintiff pleaded sufficient facts to allege: (1) he was an eligible employee; (2) his employer was subject to the FMLA’s requirements; (3) he was entitled to leave; (4) he gave proper notice of his intention to take FMLA leave, and (5) his employer denied him the benefits to which he was entitled under the FMLA. *Id.* at 11-18.

Second, the magistrate judge found that Mr. Roncone has alleged facts sufficient to maintain a claim for FMLA discrimination. *Id.* at 20. He concluded that Plaintiff pleaded sufficient facts to allege: (1) he is protected under the FMLA; (2) he suffered an adverse employment decision; (3) that the plaintiff was treated less favorably than an employee who had not requested leave under the FMLA; and (4) the adverse decision was made because of the plaintiff’s request for leave. *Id.* 19-20.

As a result of the aforementioned reasons, Magistrate Judge Horan recommends that the court **deny** UT Southwestern's Motion in its entirety. *Id.* at 20. After considering the Report, Complaint, Motion, and record, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **denies** Defendants' Motion to Dismiss (Doc. 25).

**It is so ordered** this 13th day of June, 2025.

  
Sam A. Lindsay  
United States District Judge